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Viewing cable 05LIMA5396, FUJIMORISTAS TRYING TO SELL THEIR MAN AS THE

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- The middle box contains the header information that is associated with the cable. It includes information about the receiver(s) as well as a general subject.
- The bottom box presents the body of the cable. The opening can contain a more specific subject, references to other cables ([browse by origin](#) to find them) or additional comment. This is followed by the main contents of the cable: a summary, a collection of specific topics and a comment section.

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Reference ID	Created	Released	Classification	Origin
05LIMA5396	2005-12-21 22:27	2011-08-30 01:44	CONFIDENTIAL	Embassy Lima

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This record is a partial extract of the original cable. The full text of the original cable is not available.

C O N F I D E N T I A L SECTION 01 OF 03 LIMA 005396

SIPDIS

E.O. 12958: DECL: 12/20/2015

TAGS: [PGOV](#) [PHUM](#) [PREL](#) [PE](#)

SUBJECT: FUJIMORISTAS TRYING TO SELL THEIR MAN AS THE
MECHANISM TO STOP HUMALA

REF: LIMA 5332

Classified By: Political...

id: 48368

date: 12/21/2005 22:27

refid: 05LIMA5396

origin: Embassy Lima

classification: CONFIDENTIAL

destination: 05LIMA5332

header:

This record is a partial extract of the original cable. The full text of the original cable is not available.

----- header ends -----

C O N F I D E N T I A L SECTION 01 OF 03 LIMA 005396

SIPDIS

E.O. 12958: DECL: 12/20/2015

TAGS: [PGOV](#) [PHUM](#) [PREL](#) [PE](#)

SUBJECT: FUJIMORISTAS TRYING TO SELL THEIR MAN AS THE
MECHANISM TO STOP HUMALA

REF: LIMA 5332

Classified By: Political Counselor Alexander Margulies. Reason: 1.4(d)

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1. (C) SUMMARY: Ex-President Alberto Fujimori's brother Santiago, along with three other members of the Fujimorista brain-trust, in a 12/14 breakfast with Polcouns, described their movement's strategy for the upcoming elections; inquired as to the USG's position on the presidential candidacy of ex-President Fujimori, suggesting that the

latter is the only one who can sidetrack ultra-nationalist Ollanta Humala; and complained about alleged political persecution and human rights abuses against them (all four face criminal prosecutions for their actions during the Fujimori regime). Polcouns replied that the USG views Fujimori's eligibility to run for the presidency as an issue for the appropriate electoral/judicial authorities to determine in accordance with the Peruvian Constitution and laws. With respect to the accusations of political persecution/human rights violations, Polcouns said that Embassy's Human Rights Officer was prepared to review any specific charges, supported by evidence, that the Fujimoristas submitted. END SUMMARY.

12. (C) Ex-Congressman Oswaldo Sandoval hosted a breakfast for Polcouns on 12/14. The other invitees were Santiago Fujimori, Jaime Yoshiyama (former President of Congress, ex-President of the 1992-93 Constituent Assembly and ex-Minister), and Augusto Bedoya (ex-Minister of Transport). The four Fujimoristas characterized the meeting as an overdue initiative by their movement to establish contact with the Embassy so as to keep the USG appraised of the Fujimoristas' objectives and strategy. Santiago Fujimori and Bedoya did most of the substantive talking, with Yoshiyama interjecting to correct misinformation or provide emphasis to specific points. Sandoval appeared to be the liaison guy, with minimal input on policy or organization issues. (NOTE: There are media reports that Bedoya carried out the transfer of funds for lease of the aircraft that took Alberto Fujimori from Japan to Chile. END NOTE).

13. (C) According to the four Fujimoristas:

-- Santiago Fujimori is the undisputed leader of the movement in Peru and is in regular communication with his brother in Chile.

-- The four are part of the core Fujimorista brain-trust, remaining in the background for two reasons: (1) politically it is more advantageous to have populists like Martha Chavez, who appeal to the poorest sectors of the population where Fujimori's support is strongest, out front; and (2) the four are all involved in business dealings and face criminal charges linked to their service with the Fujimori regime, and are concerned that their commercial interests would suffer and/or they would open themselves to "increased political persecution" should they be seen as actively engaging in politics.

-- They are committed to bringing about Alberto Fujimori's re-election to the Presidency and inquired as to the USG's view on this (Polcouns replied that we consider Fujimori's eligibility to run for the presidency to be an issue for the appropriate electoral and/or judicial authorities to determine in accordance with the Peruvian Constitution and laws).

-- Fujimori's detention in Chile was an unexpected blow and damaged the movement politically, but they are hopeful that he will be freed on bail in early January, once Peru files its extradition request. Once freed from confinement, Fujimori will be in a better position to rally the faithful.

-- The movement's original strategy was to combine the three Fujimorista parties (Si Cumple, Nueva Mayoria, Cambio 90) in one alliance. A 12/6 decision by the National Electoral Board's (JNE) Office of Party Organization Registration, however, rejected the inscription of the proposed alliance on the grounds that Alberto Fujimori, who was proposed as the alliance's titular head, was ineligible to occupy this post as a result of a 2001 vote by Congress to disqualify him from holding public office for 10 years. The Constitutional Tribunal, in a case to which Fujimori was not/not a party, subsequently stated that this disqualification also prohibits those it covers from running for public office and restricts their political rights.

-- The Fujimoristas at first considered appealing this decision to the JNE on the grounds that (1) the 2001 Congress vote was insufficient (a simple majority of 37 legislators present had voted for the disqualification, while a subsequent Constitutional Tribunal decision provided that a vote by two-thirds of the Congress -- 80 legislators -- is required to remove a president), (2) the Constitutional Tribunal ruling interpreting the effect of the 10-year congressional prohibition is not/not in accordance with the express wording of the Constitution (NOTE: Article 100 of the Constitution empowers Congress to disqualify public officials from holding office for up to 10 years, but does not specifically state that they cannot run for office. Article 10 of the Organic Law on Elections, however, does provide that public functionaries disqualified from holding office cannot vote or be elected. END NOTE); and (3) an electoral alliance is a private political organization, not/not a "public office," and so falls outside the bounds of the congressional prohibition.

-- After due consideration, however, the decision was taken not/not to appeal. This was based first on the brain-trust concluding that the key JNE ruling will be on whether Alberto Fujimori is eligible to run for office, and that they should not expose their legal hand on less important issues. Secondly, the Fujimorista leadership realized that splitting the proposed alliance in two would ensure to their benefit, as they would then have a back-up electoral vehicle should the JNE disqualify Fujimori.

-- As a result, Si Cumple will go it alone, presenting a presidential ticket with Alberto Fujimori at the top. Meanwhile, Cambio 90 and Nueva Mayoria have formed the Alliance for the Future (AF for short, Fujimori's initials), and will nominate an as-yet undecided ticket that does not include the ex-President. If Fujimori is permitted to run, then AF will withdraw its presidential slate from the race.

-- The Fujimoristas have had discussion with JNE magistrates, and believe that the JNE will permit Fujimori to run, even though technically he cannot take office.
(COMMENT: Polcouns raised the issue of Fujimori's eligibility to run for the Presidency with JNE President Enrique Mendoza at a 12/14 reception. Mendoza said that the JNE will apply the constitution and law, adding that Article 10 of the Organic Law on Elections is dispositive. END COMMENT.)

-- If Fujimori runs and wins the election, they expect that the sitting Congress will vote to lift the prohibition on his taking office. If it does not, then the new Congress will do so.

-- If Fujimori is prevented from running, then the Fujimoristas do not/not expect to win the presidency, but they still hope to win a sizable legislative bloc, which will pressure for the disqualification of Fujimori to be lifted.
(COMMENT: Keiko Fujimori, the highly popular daughter of Alberto Fujimori and ex-Acting First Lady, has announced that she will lead the Alliance for the Future. Presumably she will also head its list of congressional nominees. END COMMENT.)

14. (C) The four Fujimoristas claimed that, under their leadership, a new Fujimori government would emulate the positive actions of Fujimori's first term, while avoiding the massive corruption of its second term. They also emphasized that Fujimori was the best bet to stop surging ultra-nationalist presidential contender Ollanta Humala, noting that many of those shifting to Humala are Fujimori supporters disheartened by the ex-President's captivity in Chile.

15. (C) Polcouns acknowledged that Fujimorista followers seem to be migrating to the Humala camp, but pointed out that over the past year Humala's candidacy has been highly publicized, if not outright supported, by pro-Fujimori media organs like daily "La Razon." Santiago Fujimori admitted that this was the case, indicating that in retrospect this was unfortunate. He then declared that the USG should have no/no political concerns over the election of a strong Fujimorista legislative bloc, as this would ally itself with center-right presidential candidate Lourdes Flores' Unidad Nacional alliance, "with whom we have excellent relations," in the next Congress.

16. (C) Santiago Fujimori took the lead in bringing up the issue of human rights, arguing that there were "no systematic" violations under the Fujimori regime. He declared that the real human rights violations are occurring today, with former Fujimori regime officials like those at the table being the victims of political persecution. The other three Fujimoristas present firmly assented, with each complaining that "unfounded" criminal allegations against them are being slowly processed by the criminal justice system, negatively affecting their business activities and, in some case, preventing them from traveling outside the country. With breaking voice and tears welling in his eyes, Santiago resumed his litany of complaints, embarking upon a lengthy description of his mother's hardships coping with a judicial embargo on her bank accounts and properties. He concluded by asking Polcouns for the USG to recognize these alleged human rights abuses.

17. (C) Polcouns replied that he was unaware of the facts in the criminal cases against his four interlocutors, but said that the Embassy's Human Rights Officer was prepared to review any specific allegations and supporting evidence that the Fujimoristas cared to put in writing. Polcouns acknowledged that the Peruvian criminal justice system was overloaded and inefficient, but observed that this is a problem common to most defendants, not just the Fujimoristas, noted that some American companies have had problems with cases that move at the speed of continental drift, and concluded that while this was regrettable, it did not by itself constitute a violation of defendants' human rights.

18. (C) COMMENT: This group of Fujimoristas claim to be the real brains and brawn of the movement, but their leadership is, in fact, in dispute. Alberto Fujimori's imprisonment clearly has deprived them of the direction they need, and their confidence and courage have suffered accordingly. The four looked less like political conspirators planning a return to power and more like a group of retired business executives sharing drinks at their country club while reminiscing about their glory days in the corporate jungle. Their presentation to Polcouns was unfocused, shifting from topic to topic as the Fujimoristas sought to find an argument that would spark a positive response. In the end, their main pitch was that since much of Humala's support seems to be coming from voters who previously backed Alberto Fujimori, the way to stop Humala is by letting Fujimori run. While it does indeed appear to be the case that Humala has inherited a substantial part of the Fujimori vote (Reftel), there are other options to wean these voters away from the former without promoting the latter. END COMMENT.
STRUBLE

=====CABLE ENDS=====